



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON DIVISION

CHARLES HARRISON,  
Plaintiff,

vs.

NFN SERRONTO, Doctor at FCI-Edgefield,  
and FEDERAL BUREAU OF PRISONS,  
Defendants.

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CIVIL ACTION NO. 8:06-0266-HFF-BHH

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ORDER ADOPTING THE REPORT AND RECOMMENDATION AND DISMISSING THE  
ACTION *WITHOUT PREJUDICE* AND WITHOUT ISSUANCE  
AND SERVICE OF PROCESS

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The Court construes this case as a *Bivens* action. Plaintiff is proceeding *pro se*. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that the case be dismissed *without prejudice* and without issuance and service of process. The Report is made in accordance with 28 U.S.C. § 636 and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Matthews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on March 15, 2006. Plaintiff's four-page objection memorandum was filed with the Court on March 27, 2006. The Court has reviewed Plaintiff's objections but finds them to be without merit. Simply stated, Plaintiff must exhaust his administrative remedies before filing suit in this Court.

Therefore, after a thorough review of the Report, the objections, and the record in this case pursuant to the standards set forth above, the Court overrules Plaintiff's objections, adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that this action is **DISMISSED** *without prejudice* and without issuance and service of process.

**IT IS SO ORDERED.**

Signed this 28th day of March, 2006, in Spartanburg, South Carolina.

s/ Henry F. Floyd  
HENRY F. FLOYD  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified that the right to appeal this Order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.